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communications she and her counsel received from the local Social Security office. Accordingly, Plaintiff opposes Defendant's Motion because subject matter jurisdiction exists in the instant action. Additionally, Plaintiff moves the Court to reverse the final decision of the Commissioner because the Commissioner's ineffectual notice of her reconsidered decision on Plaintiff's claim to benefits violates Plaintiff's right to procedural due process under the Fourteenth Amendment to the U.S. Constitution ("Constitution")<sup>1</sup> and 42 U.S.C. § 405(b). Plaintiff further seeks remand to the Social Security Administration ("Administration") with instructions to grant a full merits hearing before a new ALJ.

After review, the Court adopts the analysis and recommendations contained in Magistrate Judge Bryant's Report and Recommendation and thereby (1) **DENIES** Defendant's Motion to Dismiss; (2) **REVERSES** the decision of the Commissioner; and (3) **REMANDS** the above-styled case to the Commissioner for a hearing on the merits of Plaintiff's disability claims before a different ALJ. This Order terminates this Court's jurisdiction over the above-styled action, and the case is **DISMISSED**.

It is so ORDERED.

Entered this the 6<sup>th</sup> day of December, 2006.

  
JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Plaintiff's right to procedural due process is in fact secured by the Fifth Amendment to the Constitution.